



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brian Thomas Campbell, et al.

Group No.: 1626

U.S. Serial No.: 10/527,044

Filed: March 8, 2005

Examiner: Freistein, Andrew

For: FUSED HETEROBICYCLO SUBSTITUTED PHENYL  
METABOTROPIC GLUTAMATE-5 MODULATORS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBTAIN  
A DOUBLE PATENTING REJECTION**  
[37 CFR 1.321]

I, David A. Rubin, residing at 126 East Lincoln Avenue, Rahway, New Jersey 07065-0907, am a representative of the assignee identified below, empowered to act on its behalf, pursuant to attached Corporate Resolution No. 5, dated 04/23/2002.

The assignee, Merck & Co., Inc., certifies that it is the assignee of the entire right, title and interest in the above-identified patent application by virtue of an Assignment from the inventor(s) in the aforesaid patent application, which was

recorded in the United States Patent & Trademark Office on Reel(s) 016752 Frame(s) 0286 on 09/08/2005,

was forwarded for recording on \_\_\_\_\_, with a copy of the recordation form and assignment attached hereto, or

is being concurrently forwarded for recording under separate cover, with a copy of the recordation form and assignment attached hereto.

The aforesaid assignment establishes the ownership in the assignee of the above-identified application pursuant to 37 CFR 3.73(b).

The undersigned has reviewed all of the evidentiary documents in the chain of title of the above-identified patent application, and the undersigned certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee named above.

I hereby disclaim the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

United States Patent No. \_\_\_\_\_, or as presently shortened by any terminal disclaimer,

Any patent granted on application serial number 10/497,452,

10/527,044

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and hereby agree that any patent so granted on the above-identified application shall be enforceable on, for and during such periods that the legal title to said patent shall be the same as the legal title to:

United States Patent No. \_\_\_\_\_ ,  
 Any patent granted on application serial number 10/497,452 ,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

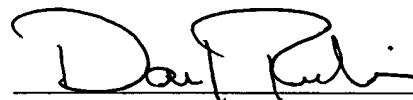
Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of:

United States Patent No. \_\_\_\_\_ , or as presently shortened by any terminal disclaimer,  
 Any patent granted on application serial number 10/497,452 ,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is requested to charge Account No. 13-2755 the sum of \$130.00 and any fee deficiency required by this paper. A duplicate of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Disclaimant David A. Rubin

Attorney

Title

Merck & Co., Inc.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, New Jersey 07065-0907

Telephone No. (732) 594-2675

In Duplicate  
Attachs.

Date: 01/20/2006



**General Corporate Resolution #5**

**PATENT MATTERS**

RESOLVED, that any of the following:

Richard T. Clark-Chief Executive Officer and President  
Kenneth C. Frazier-Senior Vice President and General Counsel  
Joseph F. DiPrima-Vice President and Assistant General Counsel  
Paul D. Matukaitis-Vice President and Assistant General Counsel  
William Krovatin-Counsel, IP Litigation  
Edward W. Murray-Counsel, IP Litigation  
Charles M. Caruso-Counsel, International  
Valerie J. Camara-Counsel, Patents  
Mark R. Daniel-Counsel, Patents  
Joanne M. Giesser-Counsel, Patents  
Anthony Rollins-Counsel, European Patents  
David L. Rose-Counsel, Patents  
Jack L. Tribble-Counsel, Patents  
Melvin Winokur-Counsel, Patents  
Donna L. Margiotti-Senior Manager, Patent Administration

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

CERTIFICATION

I, Debra A. Bollwage, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended by the Board of Directors of said Company at a meeting duly called and held on May 24, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 27<sup>th</sup> day of June 2005.

Debra A. Bollwage  
Senior Assistant Secretary

(SEAL)

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